

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Northern District of New York

UNITED STATES OF AMERICA)

v.)

John Patrick Galusha)

Case No. 5:22-MJ-

37(ATB)

Defendant(s))

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief. On or about the date(s) of January 24, 2022 in the county of Herkimer in the Northern District of New York the defendant violated:

Code Section

18 U.S.C. § 2252A(a)(2)(A)

Offense Description

Distribution of child pornography

This criminal complaint is based on these facts:
See attached affidavit

☒ Continued on the attached sheet.



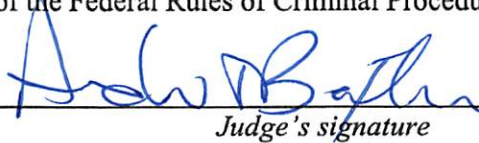
Complainant's signature

Martin Baranski, Special Agent

Printed name and title

Attested to by the affiant in accordance with Rule 4.1 of the Federal Rules of Criminal Procedure.

Date: January 28, 2022



Judge's signature

City and State: Syracuse, New York

Hon. Andrew T. Baxter, U.S. Magistrate Judge

Printed name and title

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Martin Baranski, being duly sworn, depose and state as follows:

INTRODUCTION

1. I am a Special Agent employed by the United States Department of Justice, Federal Bureau of Investigation (FBI), and as such I am an “investigative or law enforcement officer” of the United States who is empowered by law to conduct investigations and to make arrests for offenses enumerated in Title 18, United States Code, Chapter 63. I have been a Special Agent with the FBI since October of 2018. I am currently assigned to the FBI’s Albany Division where I investigate all federal criminal violations. I have participated in investigations of persons suspected of violating federal child pornography laws, including Title 18, United States Code, Section 2252A. I have received training in the area of child sexual exploitation and have had the opportunity to observe and review examples of child pornography in all forms of media including computer media.

2. I have been investigating John Patrick Galusha for violating 18 U.S.C. § 2252A(a)(2)(A) (distribution of child pornography) (the “Subject Offense”). I submit this affidavit in support of a criminal complaint charging Galusha with the Subject Offense.

3. The facts set forth in this affidavit are based on my own personal knowledge, knowledge obtained from other individuals during my participation in this investigation, including other law enforcement officers, a review of records related to this investigation, communications with others who have knowledge of the events and circumstances described here, and information gained through my training and experience. I have set forth only the facts and circumstances that

I believe are necessary to establish cause to believe that Galusha has committed the Subject Offense.

PROBABLE CAUSE

4. On Monday, January 24, 2022, a Federal Bureau of Investigation (FBI) Washington Field Office (WFO) Task Force Officer (TFO) was acting in an online undercover (UC) capacity as part of the FBI's Child Exploitation and Human Trafficking Task Force (CEHTTF), operating out of a satellite office in Washington, D.C. In that capacity, the UC was monitoring a private Kik¹ group that was being used by members for distributing, receiving, and possessing child pornography material. The UC has observed members of this group distribute pre-pubescent child pornography material within the group and advised the members of the group at approximately 4:23 p.m., "Hey everyone, any other perv parents on today, pm open [emoji of red devil face]."

5. At approximately 4:37 p.m., the UC received a direct message outside of the group from the Kik user, C[redacted] (now believed to be Galusha) who advised that he had seen the UC in the above identified Kik group. The UC reported that he is a father of an eleven-year-old boy (fictional child) and advised that he resides in Virginia. Galusha advised that he is thirty years old and that he lives in "ny."

6. Galusha sent the UC two photographs of what he claimed was his penis, and Galusha and the UC discussed the sexual abuse of children that they each claimed to have access to. During these communications on Kik, Galusha sent the UC multiple pictures of himself with a

¹ Kik is an instant messaging mobile application where one can transit and receive messages, photos, and videos. Users can communicate privately with other users or in groups. In my training and experience, I know that Kik operates its platform in interstate commerce, in this case facilitating communication between Galusha (in New York) and the UC (in or about Washington D.C.).

child that he purported to be the child that he was actively sexually abusing and sent the UC a video that he claimed was that child masturbating. You affiant has reviewed the video Galusha sent to the UC, and it appears to depict a minor boy between the age of 11 and 13 engaged in masturbation.² In my training and experience, this video is child pornography within the meaning of federal law. In addition to sending that video to the UC, Galusha also sent another video of the victim's mobile device to prove to the UC that Galusha had obtained the video from the victim's mobile device and not from the internet.

7. On January 27, 2022, law enforcement obtained subscriber information from Kik concerning the C[redacted] account and tracked associated IP address information to a residence in Ilion, New York. Law enforcement also associated an email address from the C[redacted] Kik account with a telephone number that linked to Galusha.

8. Based on the foregoing and other information, on January 27, 2022, law enforcement obtained a search warrant for the location identified in the IP records from the United States District Court for the Northern District of New York. Law enforcement executed that search warrant on January 28, 2022.

9. During the authorized search, law enforcement recovered the victim's phone and located the video of the victim masturbating that Galusha sent to the UC, consistent with Galusha's claim that he obtained the video from the victim's mobile device.

10. Galusha was interviewed after being provided *Miranda* warnings. The interview was recorded. Galusha admitted during the interview that he was the user of the C[redacted] Kik

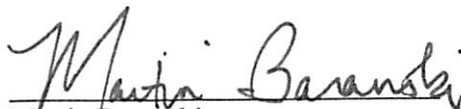
² The video is available for the Court's review upon request.

account and was responsible for sending the messages and images/videos to the UC on Kik, including the video of the victim masturbating.

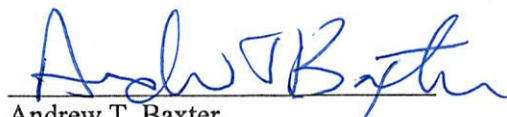
CONCLUSION

11. Based on the information above, there is probable cause to believe that John Patrick Galusha has violated 18 U.S.C. § 2252A(a)(2)(A) (distribution of child pornography), and I request a criminal complaint be issued pursuant to that violation of federal law.

ATTESTED TO BY THE AFFIANT IN ACCORDANCE WITH RULE 4.1 OF THE FEDERAL RULES OF CRIMINAL PROCEDURE.


Martin Baranski
Special Agent
Federal Bureau of Investigation

I, the Honorable Andrew T. Baxter, United States Magistrate Judge, hereby acknowledge that this affidavit was attested to by affiant by telephone on January 28, 2022, in accordance with Rule 4.1 of the Federal Rules of Criminal Procedure.


Andrew T. Baxter
U.S. Magistrate Judge